

WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY
SPECIAL MEETING AND PUBLIC HEARING MINUTES
CITY OF RENTON MOSIER II ANNEXATION (FILE NO. 2195)
JULY 19, 2005

SPECIAL MEETING/PUBLIC HEARING (CONTINUED)

I. CALL TO ORDER

Judy Tessandore, Chair, convened the meetings of July 19, 2005 at 7:00 PM.

II. ROLL CALL

The following members were present at the Special Meeting and Public Hearing:

Evangeline Anderson	Angela Brooks
Charles Booth	Robert Cook
A. J. Culver	Ethel Hanis
Lynn Guttman	Claudia Hirschey
Michael Marchand	

III. PUBLIC HEARING

INTRODUCTION:

Chair Tessandore stated that the Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation. Chair Tessandore opened the meeting by stating the standards for a quasi-judicial public hearing and the scope of the hearing.

Chair Tessandore reported that purpose of the Special Meeting is to conduct a Public Hearing on the Mosier II Area Annexation (31 acres), based on an initially proposal submitted by the City of Renton to the Boundary Review Board in April 2005 and an invoking of jurisdiction by the City of Renton (in May 2005) to modify the Mosier II Annexation Area by the addition of 34 acres – for a total annexation of 65 acres.

The Mosier II Area (Expanded) Annexation site is located on the east side of the City of Renton. The southern boundary of the site is generally formed by SE 2nd Place/SE 136th Street. The northern boundary of the site is variously located north of NE 3rd Street (if extended) and along NE 2nd Court (if extended). The eastern boundary is variously formed by 144th Avenue SE/Jericho Avenue NE and by Lyons Avenue. The site is bordered on the west by 140th Avenue SE and by 142nd Avenue SE. Under the Mosier II Area (Expanded) Annexation plan, the site would be bounded by Renton on the northern border and on portions of the western and eastern borders.

The City requested that the Board consider the proposed Mosier II Area (Expanded) based upon the following factors:

- The proposed annexation of the Mosier II Area (Expanded) is located within Renton's Potential Annexation Area
- The inclusion of Mosier II (Expanded) in the City of Renton would reportedly provide more practical boundaries and logical area for community governance.
- The inclusion of Mosier II (Expanded) in the City of Renton would reportedly provide more practical boundaries and logical area for services to the community.

More specifically: the City of Renton is reportedly able to provide a full range of services to Mosier II (Expanded.) At present, the City of Renton is the designated service provider for fire services and sewer services for the entirety of the Mosier II Area. Further, the City currently provides these services to the Mosier II Annexation Area and to the Mosier II Area (Expanded).

- The State Growth Management Act and the King County Comprehensive Plan both establish local jurisdictions as the appropriate units to govern urban areas.

On July 18, 2005, the Boundary Review Board reviewed the initial Mosier II Area Annexation. At the conclusion of the Special Meeting/Public Hearing, the Board voted unanimously to continue the public hearing to review Renton's proposal for the Mosier II Area (Expanded) Annexation. The continued Special Meeting/Public Hearing was scheduled for July 19, 2005.

PROPONENT PRESENTATION: City of Renton – Donald Erickson, Senior Planner – Community Development & Strategic Planning

On behalf of the City of Renton, Mr. Erickson presented the proposed Mosier II Area (Expanded) Annexation. Mr. Erickson responded to inquiries by the Boundary Review Board members. Following is a summary of the statement (including responses to inquiries).

Mr. Erickson reported that the City of Renton initially proposed the Mosier II Area Annexation (31 acres) pursuant to petitions by citizens of the area.

The City of Renton subsequently invoked jurisdiction to seek annexation of the Mosier II Area (Expanded) at 34 acres, for a total incorporation of 65 acres. The City's request for modification of the annexation area is based upon the fact that the entire Mosier II Area (Expanded) is identified as Potential Annexation Area within the City's Comprehensive Plan.

Mr. Erickson reported that the Mosier II Area (Expanded) Annexation site consists of a 64-acre area located on the east side of the City of Renton. The Mosier II Area (Expanded) Annexation boundaries are more specifically described as follows:

- The southern boundary of the site is generally formed by SE 2nd Place/SE 136th Street.
- The northern boundary of the site is variously located north of NE 3rd Street (if extended) and adjacent to NE 2nd Court (if extended).
- The eastern boundary is variously formed by 144th Avenue SE/Jericho Avenue NE and by Lyons Avenue NE.
- The western boundary is variously formed by 140th Avenue SE and by 142nd Avenue SE.

The Mosier II Area (Expanded) includes the initially proposed Mosier II Area Annexation (31 acres), together with the Puget Colony Subdivision (located between 140th Avenue SE and 142nd Avenue SE), a 13 lot residential development located to the north of NE 3rd Street, and the North Maplewood Subdivision located between 144th Avenue SE and 146th Avenue SE. Portions of the northern boundary, eastern boundary, and western boundary of the Mosier II Area (Expanded) abut the existing City of Renton.

Mr. Erickson stated that the proposed annexation of the Mosier II Area (Expanded) is consistent with the State Growth Management Act (RCW 36.70A) which encourages governance and service of urban areas by local jurisdictions.

Mr. Erickson stated that the proposed annexation of the Mosier II Area (Expanded) Area is, similarly, consistent with the King County Comprehensive Plan/Countywide Planning Policies and King County Annexation Initiative which support incorporation of potential annexation areas at the earliest feasible time to ensure greater efficiency of governance and service. The rate and efficiency of governance is limited by incremental annexation. More specifically, the Mosier II Area (Expanded) was proposed based upon King County Policy LU-32, which states that a city may annex territory only within its designated potential annexation area. LU-32 also states that all cities shall phase annexations to coincide with the ability of the city to coordinate the provision of a full range of urban services to areas annexed.

Further, the Mosier II Area (Expanded) is included in the "Annexation Element" of the City of Renton Comprehensive Plan and is located within the Renton Potential Annexation Area. The proposed action is based upon Renton Comprehensive Plan policies addressing annexation, including those provisions which call for inclusion of urban areas within the City for local governance and pertaining to encouraging annexations in areas where urban infrastructure and

services are available for development at urban densities and in areas contiguous to City boundaries (e.g., Land Use Policies LU-1; LU-36; LU-37; LU-41 and LU-42).

Mr. Erickson stated that the greater interest of the community would also be served by annexation of the entire Mosier II Area (Expanded). Although a previous effort to encourage citizens to launch an annexation of the greater Mosier II Area did not gain the support of a majority of the citizens, there is considerable – and growing -- support for annexation by citizens of the area, which is considered to provide a reasonable level of support for annexation by the City of Renton.

Mr. Erickson described the existing Mosier II Area (Expanded) (65 acres) as an urban community with both developed and vacant residential lands. The City of Renton has planned for growth at urban levels of density and has established standards to guide ongoing uses and new development on the Mosier II properties following annexation.

The Mosier II Area (Expanded) currently includes approximately 83 residential dwellings. The City has designated the Mosier II (Expanded) Area for Residential Use – Low to Moderate Density. Thus, in the City of Renton, the Mosier II Area (Expanded) would be permitted for development of single family residential uses under zoning designations ranging from R-4 (up to four dwelling units per net acre) to R-8 (up to 8 dwelling units per net acre). This density level is generally equivalent to the density level permitted by King County (i.e., four dwelling units – five dwelling units per gross acre). At full development, there would be approximately 221 new single-family homes in the Mosier II Area (Expanded).

The City is prepared to provide development review to guide ongoing uses and new development on the Mosier II Area properties following annexation. The proposed annexation is exempt from SEPA pursuant to RCW 43.21C.222. However, complete environmental review would be required for new development under SEPA Rules (WAC 197-11). Measures to mitigate development-related impacts (e.g., transportation systems, infrastructure, sewer service, storm water management) would be required in conjunction with that environmental review process.

Upon annexation, the City would also apply standards for protection for environmentally sensitive areas (e.g., variable topography, stream corridors). Such protections would be based upon local, regional and state regulations for protection of environmentally sensitive areas. For example, storm water management would be provided in accord with 1998 Surface Water Manual Standards established in accord with State of Washington standards.

The City of Renton can directly provide (or contract for) urban services to the area. For example, the City of Renton would directly provide police services. The City will continue to contract with Fire Protection District No. 25 to provide fire service and emergency service.

The City will directly provide sewer service and storm water management. King County Water District No. 90 will continue to provide water service to the Mosier II Annexation Area.

The City would provide for human services and law and justice services. Library facilities and recreation facilities would be available to the community. Children would attend schools in Renton School District No. 403.

Mr. Erickson further reported that the annexation of the Mosier II Area (Expanded) would be consistent with the Boundary Review Board Objectives (RCW 36.93.180). More specifically:

- 1. Preservation of natural neighborhoods and communities:** The Mosier II Area (Expanded) annexation preserves and enhances an existing, well-defined neighborhood.
- 2. Use of Physical boundaries, including but not limited to bodies of water, highways, and land contours:** The Mosier II Area (Expanded) makes good use of existing physical boundaries including 140th Avenue SE, 142nd Avenue SE; SE 136th Street, Lyons Avenue NE, and 146th Avenue SE (Jericho Avenue NE). The Mosier II Area (Expanded)

annexation would link to the City of Renton (in whole or in part) along its northern, eastern, and western boundaries.

3. **Creation and preservation of logical service areas:** Service to Mosier II Area (Expanded) would be improved by placing the entire area under a single municipal jurisdiction for provision of public services, including, police, fire, emergency aid, sewer, water, storm water management, and roads. Coordinated services would benefit the residents of Mosier II Area (Expanded), the City of Renton, and King County.
4. **Prevention of abnormally irregular boundaries:** The proposed Mosier II Area (Expanded) Annexation does not provide for regular boundaries, but “abnormally” irregular boundaries would not be created by this action. Rather the Mosier II Area boundaries would be more regular than those boundaries proposed in the initial Mosier II Annexation. The Mosier II Area (Expanded) boundaries would be more consistent with Renton’s Potential Annexation Area boundaries.
5. **Discouragement of incorporations of small cities ... urban areas:** Not applicable.
6. **Dissolution of inactive special purpose districts:** There are no known inactive special purpose districts in this area.
7. **Adjustment of impractical boundaries:** The Mosier II Area (Expanded) Annexation, as a single, unified action, would create more reasonable and practical boundaries for governance and service. This modified annexation would eliminate the need for future incremental actions to govern and serve the Potential Annexation Area.
8. **Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character:** King County has designated this area for urban development because of its location within the Urban Growth Area boundary. The County has also indicated a preference for immediate annexation of urban areas to provide for local governance and services.
9. **Protection of agricultural and rural lands designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority:** No portions of the proposed annexation are designated for long term productive agricultural use in either the King County or Renton Comprehensive Plans.

The City of Renton has conducted fiscal analyses related to the proposed Mosier II Area (Expanded) Annexation. At present development, City expenditures are estimated at \$99,612 and revenues are estimated at \$90,365. At full development, City expenditures are estimated at \$282,968 and revenues are estimated at \$270,175. Costs are related to state revenues, local property assessments, and city costs. These costs are generally based upon an averaged estimate of per capita use (e.g., police, parks, sewers).

At annexation, property owners will assume their share of the City’s regular and special levy rates for capital facilities and public services. For example, sewer service to new development will be the responsibility of property owners within the annexation area. Utilities Local Improvement District (ULID) may be established for the construction of required new facilities.

Future capital needs and costs will be examined and funded through the Renton Capital Investment Program.

Mr. Erickson reported that City officials would support the annexation of the other, nearby properties that are included in the Renton Comprehensive Plan. More specifically, the City has intended to pursue annexation of Maplewood Elementary School in the near future; however, the City would support the annexation of Maplewood Elementary School at this time. Annexation would be appropriate because the School is located within the City’s Potential Annexation Area. Annexation would not alter administration of or services to the school. For example, while local children would continue to attend the School, the School District would maintain responsibility for establishing boundaries for enrollment in this institution. Similarly,

the City presently provides a range of services to Maplewood Elementary School; the City would continue as the service provider following annexation.

Based upon the City of Renton Comprehensive Plan (including the established Potential Annexation Area), the City also has an interest in annexation of residential properties located immediately south of the Mosier II Area (along the SE 136th Street corridor between 140th Avenue SE and 144th Avenue SE).

The City of Renton is also working with a community group which is interested in launching an annexation of the greater East Renton Plateau. The boundaries of the intended annexation have not yet been finally determined by the citizens of the area.

OPPONENT PRESENTATION:

No jurisdiction came forward to oppose the Mosier II Annexation.

KING COUNTY: King County Office of the Executive: Michael Thomas, Senior Policy Analyst

On behalf of the King County Office of the Executive, Michael Thomas reported that King County plans and policies call for annexation of lands within the Urban Growth Area. The King County Plan stipulates that annexations should occur at the earliest feasible date -- when cities have land use plans, service plans, and service resources available. Annexation of urban lands to local jurisdictions is, similarly, in keeping with the State Growth Management Act.

Mr. Thomas stated that King County supports the annexation of the entire Mosier II Area (Expanded) because the County has limited ability to provide efficient local services in urban unincorporated areas -- particularly those areas which are "islands" and which have irregular boundaries that are difficult for providers to serve.

Mr. Thomas reported that the County believes that the interests of citizens of the entire Mosier II Area are best served by immediately joining the City of Renton, as consolidated annexation promotes coordinated governance. More specifically, Renton's Comprehensive Plan establishes the City's commitment to annexation of this territory. The City of Renton has extended great effort to plan to govern, develop, protect, and serve the area as a unified community. The City offers an established record as an entity capable of providing for zoning, development standards, and environmental protection appropriate to the area. Mr. Thomas stated that the City needs to be able to rely upon a reasonable plan for land annexation.

Mr. Thomas also stated the support of King County for the further expansion of the Mosier II Area (Expanded) Annexation to include Maplewood Elementary School, and residential properties to the south and southwest (generally bounded on the west by 136th Avenue SE and 138th Avenue, on the south by SE 138th Street and on the east by Maplewood Park.

Mr. Thomas reported that the transfer of Maplewood Park from King County to the City of Renton is also intended to occur when an interlocal agreement, currently under consideration, is completed to the satisfaction of affected jurisdictions.

Mr. Thomas stated that criteria established by RCW 36.93.170 and RCW 26.93.180 (Boundary Review Board) support annexation of the Mosier II Area (Expanded) to Renton. Further, RCW 36.93.150 clearly allows the Boundary Review Board to approve the comprehensive annexation. The incorporation of the Mosier II Area (Expanded) is also consistent with other state, regional and local guidelines

GENERAL TESTIMONY:

Two property owners testified concerning the proposed annexation of the 65-acre territory.

One person spoke in opposition to the annexation, stating the opinion that:

- the City has failed to demonstrate benefit to citizens from affiliation with Renton;
- The City has not provided plans for specific services (e.g., stormwater management, roadway access);

- The benefits accruing from affiliation with King County (e.g., zoning designation) would reportedly cease to be available to property owners/residents of the Mosier II Area (Expanded).

The speaker also reported the opinion that the election method of annexation is more appropriate to determine community views of annexation than the petition method of annexation permitted by the City of Renton.

One person spoke for the Mosier II Area (Expanded) Annexation stating the opinion that:

- The City of Renton has demonstrated interest in governing the citizenry;
- The City has demonstrated the capacity to provide complete and reliable land use planning services and public services to the community.

The speaker also voiced the opinion that the annexation would be consistent with RCW 36.93.180 because the neighborhood would be better defined, the citizens would receive streamlined services, and community facilities would be more accessible to residents. Uniform governance and services will benefit the entire area.

REBUTTAL City of Renton – Donald Erickson, Senior Planner – Community Development and Strategic Planning

Mr. Erickson stated that the City of Renton is seeking to annex Mosier II Area (Expanded) because the City of Renton has established its interest in governing and capacity to serve the surrounding Mosier II Area (Expanded) through inclusion of the entire territory in comprehensive plans for land use management, service provision, environmental protection, and funding for governance.

City officials requested this public hearing before the Boundary Review Board to consider the Mosier II Area (Expanded) for the purpose of enabling the community to participate in the governance planning process.

The City of Renton supports annexation of these urban properties in order to immediately begin to provide synchronized governance to citizens of the area. For example, development in this urban area is now limited due to a moratorium on sewer systems. When that moratorium is lifted in the near future, there will be a substantial likelihood of an increase of development in the Mosier II Area (Expanded).

Coordination by the City of Renton of new development and services would reportedly be consistent with planning goals and objectives established for the benefit of the greater community. For example, while current development in the Mosier II Area ranges from 4 – 8 dwelling units per gross area, the City of Renton would establish R-4 zoning (4 dwelling units per net acre) as the predominating designation in the Mosier II Area (Expanded). The City of Renton established this zoning designation in response to the fact that the community expressed a preference for this level of density.

This more limited density remains consistent with the underlying Urban Growth Area designation for Mosier II Area, while also serving to control impacts to the underlying natural environment and to control corollary impacts to the built environment (e.g., (e.g., reduction in vehicle trips). These limited density levels are permitted in this Area because the City can accommodate growth targets (as required by the State of Washington) in other locations within the community.

IV. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING

At the completion of public testimony for the Mosier II Area (Expanded), Chair Tessandore instructed the Board with respect to procedures for closure (or continuation) of the hearing. The Board was provided with an option to close the hearing and to deliberate for a decision on the proposed Mosier II Area (Expanded) Annexation; an option to continue the hearing to obtain more information on the Mosier II Area (Expanded), or an option to continue the hearing to consider further modifications to the Mosier II Area (e.g., the inclusion of Maplewood Heights Elementary School).

Michael Marchand moved and Charles Booth seconded a motion that the Boundary Review Board close the public hearing and begin deliberations on the City of Renton proposal to expand the Mosier II Annexation (31 acres) to include the Mosier II Area (Expanded) (34 acres) for a total annexation of approximately 65 acres.

Chair Tessandore invited the Board members to discuss the motion. Board members offered the following comments:

- There is considerable appreciation for the interest in the further expansion of the Mosier II Area to include both private residential properties and public properties (e.g., Maplewood Elementary School, Maplewood Park).

However, the City of Renton's plan to annex lands at the request of citizens (and based upon ample citizen involvement in the annexation process) is preferable to actions by the Boundary Review Board to exercise authority permitted by RCW 36.93.150 to extend annexation areas.

- In this matter, the Board would better address RCW 36.93 and more effectively serve the community by permitting Renton officials and citizen groups to generate community interest in joining that city.

The Board would be ill advised to require incorporation of sizeable territories in the absence of an emergency necessitating immediate annexation and in the absence substantial data confirming citizen interests in incorporation into Renton.

Following discussion the Board agreed by unanimous vote to accept the motion to close the public hearing and begin deliberations on the City of Renton proposal to expand the Mosier II Annexation (31 acres) to include the Mosier II Area (Expanded) (34 acres) for a total annexation of approximately 65 acres.

Chair Tessandore invited the Board members to begin deliberations to consider annexation of the proposed Mosier II/Mosier II Area (Expanded) Annexation. Board members offered the following comments.

- Annexation of the Mosier II Area (Expanded) would be consistent with the statutory authority of the Boundary Review Board. More specifically, the Boundary Review Board is required to evaluate an action based upon RCW 36.93 – the Board's Enabling Act. Specific criteria for evaluations are established in RCW 36.93.170 and RCW 36.93.180.

More specifically, the Board finds the Mosier II Area (Expanded) annexation to be consistent with RCW 36.93.170, including (1) Population and Territory; (2) Municipal Services; and (3) Mutual Social and Economic Factors.

Additionally, RCW 36.93.180 (Objectives) are addressed as follows:

RCW 36.93.180	MOSIER II AREA (EXPANDED) (65 ACRES)
OBJECTIVE 1 – PRESERVATION NATURAL NEIGHBORHOODS AND COMMUNITIES	ADVANCES CRITERION AS ANNEXATION INCLUDES ALL PROPERTIES IN A NATURAL COMMUNITY
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES (E.G., BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS)	ADVANCES CRITERION AS IT COINCIDES WITH ESTABLISHED COMPREHENSIVE PLAN BOUNDARIES
OBJECTIVE 3 – CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS	ADVANCES CRITERION AS RENTON CAN SERVE ENTIRE AREA TO PROTECT PUBLIC WELFARE.
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	ADVANCES CRITERION AS REGULAR BOUNDARIES SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	DOES NOT APPLY
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY

RCW 36.93.180	MOSIER II AREA (EXPANDED) (65 ACRES)
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	ADVANCES CRITERION AS PRACTICAL BOUNDARIES ARE CREATED TO SUPPORT A UNIFIED COMMUNITY AND STREAMLINE SERVICE PROVISION
OBJECTIVE 8 – INCORPORATION AS CITIES OR ANNEXATION TO CITIES OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER	ADVANCES CRITERION AS THE ENTIRE DESIGNATED URBAN AREA WILL BE INCORPORATED INTO A LOCAL JURISDICTION.
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL AND RURAL LANDS	DOES NOT APPLY

- The Board is also required to consider RCW 36.70A (State Growth Management Act); the King County Comprehensive Plan; and statutes of the affected local jurisdiction – in this case the City of Renton.

Under State Growth Management Act guidelines, King County has designated the entire Mosier II Area (Expanded) as an Urban Growth Area. The City of Renton has confirmed this urban designation for the Mosier II Area (Expanded) in its Comprehensive Plan. Renton officials have stated that the City is willing to undertake annexation in order to govern and serve the Mosier II Area (Expanded).

At the close of discussion, Chair Tessandore called for a motion to approve, the Mosier II Annexation, as modified to include the entire Mosier II (Expanded) Area (65 acres).

Michael Marchand and moved and Lynn Guttman seconded a motion that the Boundary Review Board approve, with modifications, the Mosier II Annexation to include the entire Mosier II (Expanded) Area (65 acres) and to direct staff to prepare Resolution and Hearing Decision for presentation to the Boundary Review Board. The motion was adopted by unanimous vote.

The Resolution and Hearing Decision shall be presented to the Boundary Review Board for final action in August, 2005.

VI. ADJOURNMENT

Evangeline Anderson moved and Charles Booth seconded a motion to adjourn the Special Meeting/Public Hearing of July 19, 2005. The motion passed by unanimous vote. Chair Tessandore adjourned the meeting at 8:45 P.M.